

REMARKS

This is a full and timely response to the outstanding final Office Action mailed June 20, 2005. Reconsideration and allowance of the application and presently pending claims 1-25 and 27-57 are respectfully requested.

1. Response to Claim Objections

Claims 44 and 54 have been objected to because of an improper listing of the claims. The listing of the claims have been corrected to indicate the current status of claims 44 and 54. Accordingly, Applicant respectfully requests withdrawal of the objections to claims 44 and 54.

2. Response to Rejection of Claims 1-25 and 25-27 Under 35 U.S.C. §112

Claims 1-25 and 25-27 stand rejected under 35 U.S.C. §112, First Paragraph, as failing to comply with the written description requirement, with regard to the claim language "real time." To advance prosecution and narrow the number of disputed issues, Applicant has removed reference to "real time" in the pending claims. Therefore, in accordance with Rule 37 CFR 1.116, the aforementioned amendment is made after final action in order to comply with any requirement of form expressly set forth in the previous Office Action.

Thus, Applicant respectfully requests withdrawal of the rejections.

3. Response to Rejection of Claims 1-3, 5-25, 27-31, 34-41, 43-49, 53-55, and 57 Under 35 U.S.C. §102(e)

In the Office Action, claims 1-3, 5-25, 27-31, 34-41, 43-49, 53-55, and 57 stand rejected under 35 U.S.C. §102(e) as allegedly being unpatentable by *Peppel* (U.S. Patent 6,200,216 B1). For a proper rejection of a claim under 35 U.S.C. Section 102, the cited reference must disclose all elements/features/steps of the claim. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988).

a. Claim 1

As provided in independent claim 1, Applicant claims:

A system for displaying photographic images, the system comprising a combination of:

- a gaming console for playing a video game;
- a communications means for connecting the gaming console to a wide area network;

a domestic visual display unit for displaying at least one digitised photographic image data to a user of the gaming console;

a permanent data store connected to the wide area network, the permanent data store storing the digitised photographic image data and comprising transmission means for transmitting part or all of the digitised photographic image data to the gaming console;

a portable digital data store residing in the gaming console;

a viewing application program residing in the gaming console, the viewing application program comprising a communications program for receiving the digitised photographic image data from the permanent data store, the viewing application program being arranged to configure the gaming console to display the digitised photographic image data on the domestic visual display unit when the digitised photographic image data has been received by the gaming console;

a remote gaming console;

a remote display coupled to the remote gaming console; and

a remote communications means for connecting the remote gaming console to the wide area network, *wherein the gaming console and the remote gaming console communicate via the wide area network such that the remote gaming console synchronizes and copies display operations of the gaming console so that a user of the gaming console controls viewing of the digitised photographic image data displayed on the remote display, and such that a second user views the digitised photographic image data on the remote display as the digitised photographic image data is being actively controlled by the user of the gaming console.*

(Emphasis added).

Applicants respectfully submit that independent claim 1 is allowable for at least the reason that *Peppel* does not disclose, teach, or suggest at least the feature "wherein the gaming console and the remote gaming console communicate via the wide area network such that the remote gaming console synchronizes and copies display operations of the gaming console so that a user of the gaming console controls viewing of the digitised photographic image data displayed on the remote display, and such that a second user views the digitised photographic image data on the remote display as the digitised photographic image data is being actively controlled by the user of the gaming console," as recited and emphasized above in claim 1.

Rather, *Peppel* discloses at most a system where a first user posts an electronic trading card online and a second user downloads the electronic trading card for viewing on his or her computer without any involvement of the first user. *See, e.g., col. 8, lines 28-35.* Thus, *Peppel* fails to teach or suggest "wherein the gaming console and the remote gaming console communicate via the wide area network such that the remote gaming console synchronizes

and copies display operations of the gaming console so that a user of the gaming console controls viewing of the digitised photographic image data displayed on the remote display, and such that a second user views the digitised photographic image data on the remote display as the digitised photographic image data is being actively controlled by the user of the gaming console." Therefore, *Peppel* does not teach or suggest at least all of the claimed features of claim 1. Hence, claim 1 is not anticipated by *Peppel*, and the rejection should be withdrawn for at least this reason alone.

b. Claims 2-3 and 5-18

Because independent claim 1 is allowable over the cited art of record, dependent claims 2-3 and 5-18 are allowable as a matter of law, for at least the reason that the dependent claims contain all the features and elements of independent claim 1. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). For at least this reason, the rejections of claims 2-3 and 5-18 should be withdrawn.

Additionally and notwithstanding the foregoing allowability of claims 2-3 and 5-18, these dependent claims recite further features and/or combinations of features (as are apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these claims are allowable.

c. Claims 19-20

As provided in independent claim 19, Applicant claims:

A system for displaying a personal digital photographic images, the system comprising a combination of:

- a gaming console for playing a video game;
- a data communications module for connecting the gaming console to a wide area network;
- a domestic visual display unit for displaying the personal digital photographic images to a user of the gaming console;
- a permanent data store connected to the wide area network, the permanent data store storing the digitised photographic image data;
- transmission means for transmitting part or all of the digitised photographic image data from the permanent data store to the gaming console;
- a portable digital data store residing in the gaming console;
- a plurality of user-selectable viewing application programs residing in the gaming console;
- a communications program for receiving the digitised photographic image data from the permanent data store via the transmission means, the

plurality of viewing application programs being arranged to provide different algorithms for displaying the digitised photographic image data in different ways and being arranged to configure the gaming console to display the digitised photographic image data on the domestic visual display unit in a user-selected way when the digitised photographic image data has been received by the gaming console;

a remote gaming console;

a remote display coupled to the remote gaming console; and

a remote communications means for connecting the remote gaming console to the wide area network,

wherein the gaming console and the remote gaming console communicate via the wide area network such that the remote gaming console synchronizes and copies display operations of the gaming console so that a user of the gaming console controls viewing of the digitised photographic image data displayed on the remote display, and such that a second user views corresponding digitised photographic image data on the remote display as the digitised photographic image data is being actively controlled by the user of the gaming console.

(Emphasis added).

Applicants respectfully submit that independent claim 19 is allowable for at least the reason that *Peppel* does not disclose, teach, or suggest at least the feature "wherein the gaming console and the remote gaming console communicate via the wide area network such that the remote gaming console synchronizes and copies display operations of the gaming console so that a user of the gaming console controls viewing of the digitised photographic image data displayed on the remote display, and such that a second user views the digitised photographic image data on the remote display as the digitised photographic image data is being actively controlled by the user of the gaming console," as recited and emphasized above in claim 19.

Rather, *Peppel* discloses at most a system where a first user posts an electronic trading card online and a second user downloads the electronic trading card for viewing on his or her computer without any involvement of the first user. See, e.g., col. 8, lines 28-35. Thus, *Peppel* fails to teach or suggest "wherein the gaming console and the remote gaming console communicate via the wide area network such that the remote gaming console synchronizes and copies display operations of the gaming console so that a user of the gaming console controls viewing of the digitised photographic image data displayed on the remote display, and such that a second user views the digitised photographic image data on the remote display as the digitised photographic image data is being actively controlled by the user of the gaming console." Therefore, *Peppel* does not teach or suggest at least all of the claimed

features of claim 19. Hence, claim 19 is not anticipated by *Peppel*, and the rejection should be withdrawn for at least this reason alone. Further, claim 20 is allowable for at least the reason that claim 20 (which depends from claim 19) contains all the feature and elements of independent claim 19.

d. Claim 21

As provided in independent claim 21, Applicant claims:

A system for displaying a first user's personal digital photographic images, the system comprising a combination of:

- a gaming console for playing a video game; the gaming console including a data communications module for connecting the gaming console to a wide area network;

- a domestic visual display unit for displaying the video game to the first user when connected with the console;

- a permanent data store connected to the wide area network, the permanent data store storing the first user's digitised photographic image data and comprising transmission means for transmitting part or all of the first user's digitised photographic image data to the gaming console via the wide area network;

- a portable digital data store including a viewing application program and a communications program for receiving the first user's digitised photographic image data from the permanent data store via the communications means and the wide area network, the viewing application program being arranged to configure the gaming console to display the digitised photographic image data on the domestic visual display unit when the first user's digitised photographic image data has been received by the gaming console;

- a further gaming console for playing a video game; the further gaming console including a further data communications module for connecting the further gaming console to the wide area network;

- a further domestic visual display unit for displaying the video game to a second user when connected with the console; and

- a further portable digital data store including a further viewing application program, the further viewing application program comprising a further communications program for receiving the first user's digitised photographic image data from the permanent data store via the further communications means and the wide area network, the further viewing application program being arranged to configure the further gaming console to display the first user's digitised photographic image data on the further domestic visual display unit when the first user's digitised photographic image data has been received by the further gaming console, *wherein the gaming console and the further gaming console communicate via the wide area network such that the further gaming console synchronizes and copies display operations of the gaming console so that a user of the gaming console controls viewing of the digitised photographic image data displayed*

on the further domestic visual display, and such that a second user views the digitised photographic image data on the further domestic visual display as the digitised photographic image data is being actively controlled by the user of the gaming console.

(Emphasis added).

Applicants respectfully submit that independent claim 21 is allowable for at least the reason that *Peppel* does not disclose, teach, or suggest at least the feature "wherein the gaming console and the further gaming console communicate via the wide area network such that the further gaming console synchronizes and copies display operations of the gaming console so that a user of the gaming console controls viewing of the digitised photographic image data displayed on the further domestic visual display, and such that a second user views the digitised photographic image data on the further domestic visual display as the digitised photographic image data is being actively controlled by the user of the gaming console," as recited and emphasized above in claim 21.

Rather, *Peppel* discloses at most a system where a first user posts an electronic trading card online and a second user downloads the electronic trading card for viewing on his or her computer without any involvement of the first user. See, e.g., col. 8, lines 28-35. Thus, *Peppel* fails to teach or suggest "wherein the gaming console and the further gaming console communicate via the wide area network such that the further gaming console synchronizes and copies display operations of the gaming console so that a user of the gaming console controls viewing of the digitised photographic image data displayed on the further domestic visual display, and such that a second user views the digitised photographic image data on the further domestic visual display as the digitised photographic image data is being actively controlled by the user of the gaming console." Therefore, *Peppel* does not teach or suggest at least all of the claimed features of claim 21. Hence, claim 21 is not anticipated by *Peppel*, and the rejection should be withdrawn for at least this reason alone.

e. Claims 22-25 and 27-28

Because independent claim 21 is allowable over the cited art of record, dependent claims 22-25 and 27-28 are allowable as a matter of law, for at least the reason that the dependent claims contain all the features and elements of independent claim 21. For at least this reason, the rejections of claims 22-25 and 27-28 should be withdrawn.

Additionally and notwithstanding the foregoing allowability of claims 22-25 and 27-28, these dependent claims recite further features and/or combinations of features (as are apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these claims are allowable.

f. Claim 29

As provided in independent claim 29, Applicant claims:

A method for viewing pre-captured photographic images with video gaming consoles, comprising:

displaying at least one pre-captured photographic image on a local display using a local video gaming console in accordance with instructions from a user of the local video gaming console; and

displaying the pre-captured photographic image on a remote display using a remote video gaming console in accordance with instructions from the user of the local video gaming console, ***wherein the local video gaming console and the remote gaming console communicate with each other such that the remote video gaming console synchronizes and copies the way in which a user of the local video gaming console controls display of the pre-captured photographic image on the local display, and such that the pre-captured photographic image is displayed on the remote display in accordance with current control of the local display by the user of the local video gaming console.***

(Emphasis added).

Applicants respectfully submit that independent claim 29 is allowable for at least the reason that *Peppel* does not disclose, teach, or suggest at least the feature "wherein the local video gaming console and the remote gaming console communicate with each other such that the remote video gaming console synchronizes and copies the way in which a user of the local video gaming console controls display of the pre-captured photographic image on the local display, and such that the pre-captured photographic image is displayed on the remote display in accordance with current control of the local display by the user of the local video gaming console," as recited and emphasized above in claim 29.

Rather, *Peppel* discloses at most a system where a first user posts an electronic trading card online and a second user downloads the electronic trading card for viewing on his or her computer without any involvement of the first user. *See, e.g., col. 8, lines 28-35.* Thus, *Peppel* fails to teach or suggest "wherein the local video gaming console and the remote gaming console communicate with each other such that the remote video gaming console synchronizes and copies the way in which a user of the local video gaming console controls

display of the pre-captured photographic image on the local display, and such that the pre-captured photographic image is displayed on the remote display in accordance with current control of the local display by the user of the local video gaming console." Therefore, *Peppel* does not teach or suggest at least all of the claimed features of claim 29. Hence, claim 29 is not anticipated by *Peppel*, and the rejection should be withdrawn for at least this reason alone.

g. Claims 27-31 and 34-41

Because independent claim 29 is allowable over the cited art of record, dependent claims 27-31 and 34-41 are allowable as a matter of law, for at least the reason that the dependent claims contain all the features and steps of independent claim 29. For at least this reason, the rejections of claims 27-31 and 34-41 should be withdrawn.

Additionally and notwithstanding the foregoing allowability of claims 27-31 and 34-41, these dependent claims recite further features and/or combinations of features (as are apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these claims are allowable.

h. Claim 43

As provided in independent claim 43, Applicant claims:

A video gaming console, comprising:

a means for communicating to a display at least one pre-captured photographic image such that the pre-captured photographic image is displayed on a local display in accordance with instructions from a user of the video gaming console; and

a means for communicating the instructions from the user of the video gaming console to a remote video gaming console such that the same pre-captured photographic image is displayed on a remote display using the remote video gaming console,

wherein the video gaming console and the remote gaming console communicate with each other such that the remote video gaming console synchronizes and copies the way in which a user of the video gaming console controls display of the pre-captured photographic image on the local display, and such that the pre-captured photographic image is displayed on the remote display in accordance with current control of the local display by the user of the video gaming console.

(Emphasis added).

Applicants respectfully submit that independent claim 43 is allowable for at least the reason that *Peppel* does not disclose, teach, or suggest at least the feature "wherein the video

gaming console and the remote gaming console communicate with each other such that the remote video gaming console synchronizes and copies the way in which a user of the video gaming console controls display of the pre-captured photographic image on the local display, and such that the pre-captured photographic image is displayed on the remote display in accordance with current control of the local display by the user of the video gaming console," as recited and emphasized above in claim 43.

Rather, *Peppel* discloses at most a system where a first user posts an electronic trading card online and a second user downloads the electronic trading card for viewing on his or her computer without any involvement of the first user. *See, e.g.,* col. 8, lines 28-35. Thus, *Peppel* fails to teach or suggest "wherein the video gaming console and the remote gaming console communicate with each other such that the remote video gaming console synchronizes and copies the way in which a user of the video gaming console controls display of the pre-captured photographic image on the local display, and such that the pre-captured photographic image is displayed on the remote display in accordance with current control of the local display by the user of the video gaming console." Therefore, *Peppel* does not teach or suggest at least all of the claimed features of claim 43. Hence, claim 43 is not anticipated by *Peppel*, and the rejection should be withdrawn for at least this reason alone.

i. Claims 44-49

Because independent claim 43 is allowable over the cited art of record, dependent claims 44-49 are allowable as a matter of law, for at least the reason that the dependent claims contain all the elements and steps of independent claim 43. For at least this reason, the rejections of claims 44-49 should be withdrawn.

Additionally and notwithstanding the foregoing allowability of claims 44-49, these dependent claims recite further features and/or combinations of features (as are apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these claims are allowable.

j. Claim 53

As provided in independent claim 53, Applicant claims:

A program for viewing pre-captured photographic images with video gaming consoles stored on computer-readable medium, the program comprising logic configured to perform:

displaying at least one pre-captured photographic image on a local display using a local video gaming console in accordance with instructions from a user of the local video gaming console; and

communicating the pre-captured photographic image to a remote video gaming console such that the pre-captured photographic image is displayed on a remote display in accordance with the instructions from the user of the local video gaming console,

wherein the local video gaming console and the remote gaming console communicate with each other such that the remote video gaming console synchronizes and copies the way in which a user of the local video gaming console controls display of the pre-captured photographic image on the local display, and such that the pre-captured photographic image is displayed on the remote display in accordance with current control of the local display by the user of the local video gaming console.

(Emphasis added).

Applicants respectfully submit that independent claim 53 is allowable for at least the reason that *Peppel* does not disclose, teach, or suggest at least the feature "wherein the local video gaming console and the remote gaming console communicate with each other such that the remote video gaming console synchronizes and copies the way in which a user of the local video gaming console controls display of the pre-captured photographic image on the local display, and such that the pre-captured photographic image is displayed on the remote display in accordance with current control of the local display by the user of the local video gaming console," as recited and emphasized above in claim 53.

Rather, *Peppel* discloses at most a system where a first user posts an electronic trading card online and a second user downloads the electronic trading card for viewing on his or her computer without any involvement of the first user. See, e.g., col. 8, lines 28-35. Thus, *Peppel* fails to teach or suggest "wherein the local video gaming console and the remote gaming console communicate with each other such that the remote video gaming console synchronizes and copies the way in which a user of the local video gaming console controls display of the pre-captured photographic image on the local display, and such that the pre-captured photographic image is displayed on the remote display in accordance with current control of the local display by the user of the local video gaming console." Therefore, *Peppel* does not teach or suggest at least all of the claimed features of claim 53. Hence, claim 53 is not anticipated by *Peppel*, and the rejection should be withdrawn for at least this reason alone.

k. Claims 54-57

Because independent claim 53 is allowable over the cited art of record, dependent claims 54-57 are allowable as a matter of law, for at least the reason that the dependent claims contain all the features and steps of independent claim 53. For at least this reason, the rejections of claims 54-57 should be withdrawn.

Additionally and notwithstanding the foregoing allowability of claims 54-57, these dependent claims recite further features and/or combinations of features (as are apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these claims are allowable.

4. Response to Rejection of Claims 4, 32-33, 42, 50-52, 54, and 56 Under 35 U.S.C. §103

In the Office Action, claims 4, 32-33, 50-51, 54, and 56 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Peppel*. Additionally, claims 42, 52, and 56 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Peppel*, in view of *Webb et al.* (U.S. Patent 6,325,756 B1), hereinafter *Webb*. It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. *See, e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

Because independent claim 1 is allowable over the cited art of record, dependent claim 4 (which depends from independent claim 1) is allowable as a matter of law for at least the reason that the dependent claim 4 contains all features/elements of independent claim 1. *See, e.g., In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).


Similarly, because independent claims 29, 43 and 53 are allowable over the cited art of record, dependent claims 32-33 and 42 (which depend from independent claim 29), dependent claims 50-52 (which depend from independent claim 43) and dependent claims 54 and 56 (which depend from independent claim 53) are allowable as a matter of law for at least the reason that the above-identified dependent claims contain all features/elements of their respective base independent claim and *Webb* is legally inadequate to cure the deficiencies of the *Peppel* reference. Accordingly, the rejection to these claims should be withdrawn.

Applicant notes that claim 54 is rejected under 35 U.S.C. §103(a), as noted above in this section, and under 35 U.S.C. §102(e), as noted in section 5 of this response. Allowability of claim 54 is, accordingly, addressed under both basis of rejection to advance prosecution of the instant case.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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